



Federal Update for December 22 - 26, 2014



PTSD Update ► Vietnam Punitive Discharge Upgrades

Vietnam-era soldiers who faced punitive discharges because they suffered from post-traumatic stress are to be given liberal consideration to requests for discharge upgrades. Secretary of the Army John McHugh issued this directive to the Army Review Boards Agency, the service's highest level of administrative review for personnel actions. McHugh's 3 NOV directive was prompted by an earlier order from Defense Secretary Chuck Hagel which acknowledged that thousands of soldiers may have been kicked out of service because of behavior problems related to post-traumatic stress. Upgraded discharges for soldiers who received a less than honorable discharge could lead to the award of previously denied benefits, such as disability pay, separation pay and GI Bill eligibility.

The ARBA is comprised of several boards for considering the claims of soldiers and former soldiers who appeal the filing of unfavorable information in their personnel records. PTSD was not recognized as a potential behavior altering medical condition until 1980, which means that disability claims and discharge upgrades based on claims of the condition routinely were denied by government agencies, to include the Army review boards. Hagel's September instruction to the services followed by several months a federal court class action suit filed by a group veterans and the Vietnam Veterans of America that claims the military systematically denied discharge upgrade applications based on claims of PTSD. The suit estimated that about one-third of the 250,000 other-than-honorable discharges issued to Vietnam era veterans may have been PTSD-related.

Components of the ARBA include:

- Army Board for Correction of Military Records, a panel that can recommend, to the secretary of the Army, the removal of erroneous or

unjust information in their military records after all lower level administrative remedies have been exhausted. It also reviews the discharges of former soldiers that were granted more than 15 years ago, and those that were given as a sentence of a general court martial. Soldiers, veterans and their legal representatives can submit an appeal online at <http://arba.army.pentagon.mil> or by mail, on a DD Form 149 (Application for Correction of Military Records). Army Discharge Review Board, reviews the discharges of former soldiers who left service within the past 15 years, except soldiers who were discharged as a result of a general court-martial. The board determines if a discharge was proper and equitable. Soldiers, veterans and their legal representatives can request a review online or by mail using DD Form 293 (Application for Review of a Discharge or Dismissal from the Armed Forces of the U.S.).

- Army Grade Determination Review Board, makes decisions on advancing retired enlisted soldiers and warrant officers to the highest grade held satisfactorily after a total of 30 years' time on active duty and on the retired list. Application must be made by letter to the board.

Hagel, a former Army sergeant who holds a Purple Heart with oak leaf cluster for service during the Vietnam War, directed that the military review boards "fully and carefully consider every petition based on PTSD brought by each veteran" and that such reviews will include "all materials and evidence provided by the petitioner." Because Vietnam-era medical and personnel files will not refer to PTSD as a debilitating medical condition, McHugh has directed that the Office of the Army Surgeon General provide expert guidance to the review boards on the clinical manifestations of PTSD, and the behavior indicators that will help the boards assess the presence of PTSD and its mitigating effects. Hagel also directed that when service records or any document from a veteran's period of service "substantiate the existence of one or more symptoms of what is now recognized as PTSD or a PTSD-related condition during the time of service, liberal consideration will be given to finding that PTSD existed at the time of service," and may have led to the misconduct that caused the other-than-honorable discharge.

The new guidance primarily focuses on administrative discharges for minor misconduct, not serious court martial offenses that resulted in punitive bad conduct or dishonorable discharges. Mail applications for the various boards of

the Army Review Board Agency should be sent to 251 18th Street South, Suite 385, Arlington, VA 22202-3531. For online applications, access <http://arba.army.pentagon.mil>. [Source: ArmyTimes | Jim Tice | Dec. 01, 2014 ++]

VA Choice Act Update ► Firing Authority 5-Day Notice Dispute

The Department of Veterans Affairs and Congress are battling over whether or not the VA is firing bad actors within the VA's ranks fast enough. But many legal analysts say that the five-day notice the VA has settled on is too short and employees who have been fired could sue to get their jobs back. Taxpayers could even be on the hook for back pay. The five-day notice before being fired for cause is a linchpin of the VA Access, Choice and Accountability Act that was signed into law this past August to help get at the root causes of the wait time scandal that was discovered at VA facilities across the country.

Members of Congress say that five days is too much warning to give employees who are about to be fired because it gives them a chance to retire and collect lifetime benefits. Lawmakers have said the legislation they wrote to give the VA new firing authority was not drafted to allow for any notice. However, many legal analysts say that the law as drafted is unconstitutional. Firing a federal employee has been declared by the Supreme Court to be a "taking" of personal property, and the Constitution guarantees due process in those circumstances. This has been interpreted to mean that the fired employee must get a chance to challenge the termination. It is unclear at this time whether or not the five-day notice will be considered legally sufficient by a judge. Opinion is split: the Washington Times quoted some legal experts as saying that seven days is the shortest notice that federal employees can be given before they are fired, while some said that it is possible VA lawyers have found case law to support the five-day period. [Source: TREA News for the Enlisted Dec 01, 2014 ++] | Emily Wax-Thibodeaux | Nov. 24, 2014 ++]

Wreaths Across America Update ► 23rd Mission

Thousands of volunteers around the country prepared for the annual wreath-laying on veterans' graves 13 DEC, as the nonprofit Wreaths Across America carried out its annual mission for the 23rd year. Wreaths were laid at veterans' graves at Arlington National Cemetery and about 900 other locations around the

country. Organizers had estimated about 725,000 wreaths will be placed nationwide. A convoy of more than 25 vehicles, including tractor-trailers carrying 230,000 wreaths, left Harrington, Maine, on 7 DEC, and arrived in the Washington, D.C. area 12 DEC.

Organizers planned to place a wreath at each of the 230,000 graves, in honor of the cemetery's 150th anniversary. With an extra 87,000 graves, that's an increase of about 35 percent over last year's effort at Arlington, at an overall cost of about \$3.5 million, donated by the public. The organization is still short of its goal, but will continue to accept donations at www.wreathscrossamerica.org, said spokeswoman Amber Caron. "In past years, when placing the last wreath, we've seen bare markers and we're reminded of the veterans who sacrificed so much for their country who are not being recognized," said Wayne Hanson, Wreaths Across America chairman, in a statement announcing the expanded effort. The non-profit organization was founded to continue and expand the annual wreath-laying ceremony at Arlington National Cemetery begun by Maine businessman Morrill Worcester in 1992. Worcester is matching every \$15 donation for wreaths to get to the goal of laying a wreath on every grave at Arlington.

The opening ceremony at McClellan Gate on McClellan Drive at Arlington National Cemetery was at 9 a.m. Following instructions to the anticipated 25,000 volunteers, wreath-laying throughout the cemetery continued until noon. Locations of wreath-laying events at the cemeteries held in your area were indicated on wreathscrossamerica.org.

The convoy to Arlington included tractor-trailers, donated by trucking companies and driven by volunteer drivers, as well as buses, motorcycles and cars transporting veterans, families of fallen soldiers and supporters. They made stops along the way at schools, veterans' homes and in communities to share Wreaths Across America's mission: Remember, Honor, Teach. [Source: MilitaryTimes | Karen Jowers | Dec. 12, 2014 ++]

Homeless Vets Update ► House Oversight Hearing

The House Committee on Veterans Affairs held an oversight hearing the week of 8 DEC to evaluate the federal and community effort to eliminate veterans'

homelessness. In 2009, VA and the Department of Housing and Urban Development (HUD) jointly announced a goal to eliminate veteran homelessness by 2015. In the past five years, VA and HUD have leveraged partnerships with community grassroots organizations like the VFW to reduce the rate of homelessness among veterans by 33 percent. During the hearing community-based homeless service providers testified that more resources for vital homeless programs are needed if VA and HUD are to reach their goal of functional zero homeless veterans. The hearing was sparked by a VA Office of Inspector General report released last week that found VA's national call center for homeless veterans failed to properly address 40,500 calls from homeless veterans in need of help.

VA acknowledged that such errors are unacceptable and has begun to implement a number of improvements to the national call center, such as increasing staff during peak hours and an automated queuing system to ensure veterans' calls are answered by a representative. To view the hearing in its entirety, visit the Committee's website at: <http://www.ustream.tv/channel/hclive14>. [Source: VFW Action Corps Weekly | Dec. 12, 2014 ++]

VFW Federal Charter Update ► President Signs into Law

The president signed the VFW's new charter into law last week. The two requested changes — replacing men with veterans, and widows with surviving spouses — was prompted by Resolution 301 passed at the VFW's 115th National Convention in July, and supported by two companion bills introduced by Senate Veterans Affairs Committee Chairman Bernie Sanders (I-Vt.) and House VA Committee Chairman Jeff Miller (R-Fla.). According to the VFW Magazine, this was the fifth charter change since the original was signed by President Franklin D. Roosevelt in 1936. The other four amendments were:

- 1953 – Changed The “Act Of Incorporation” To Cover All Services, Since The Air Force Wasn’t Created Until 1947.
- 1995 – Opened Membership To Those Who Served In Korea Or Its Territorial Waters For 30 Consecutive Or 60 Nonconsecutive Days After June 30, 1949.

- 2002 – Opened Membership To Those Who Receive Hostile Fire Or Imminent Danger Pay.
- 2006 – Added A Clause Noting That The VFW Has “Perpetual Existence.”

[Source: VFW Action Corps Weekly | Dec. 12, 2014 ++]

Arizona Memorial Update ► Rampant Mismanagement Alleged

The USS Arizona is one of the nation's most hallowed sites, an underwater grave for more than 900 sailors and Marines killed when Japan bombed Pearl Harbor and sank their ship in 1941. Now, it's the scene of alleged rampant mismanagement. An internal report from the National Park Service, which operates a visitors' center for a memorial at the battleship, said tour companies sold tickets with the knowledge of park officials even though tickets are supposed to be free. Another pointed to substandard maintenance, including scuffed museum walls that languished unrepaired and bird feces that wasn't cleaned. The revelations in documents released last month come just before crowds gather at Pearl Harbor on Sunday for an annual ceremony remembering more than 2,400 sailors, Marines and soldiers killed 73 years ago.

"To watch the desecration of a very sacred, very important place was very disheartening," said John Landrysmith, a former park service guide and 41-year-old Iraq war veteran. He quit his job earlier this year after feeling his supervisor was punishing him for questioning the ticket policy and believing the park service failed to act on his complaints. He intends to file a whistleblower retaliation lawsuit against the park service. Park superintendent Paul DePrey said the park service was trying to accommodate the tour companies, which bring busloads of people each day. "It was not intended for a huge glut of tickets that were going to just the tour companies," he said "We tried to work that system the best we could. It was not successful." The practice stopped when they realized it didn't comply with park service policy and wasn't working as intended, he said. A new ticketing system starting next month, DePrey said, will do a better job laying out the terms and conditions of the permits commercial tour companies operate under. The park service will also start scanning tickets to get data on how they are being used.

The problems outlined in the reports are centered at the visitor's center, which anyone visiting the Arizona and the memorial must pass through. The \$56-million complex, rebuilt four years ago, explains events leading up and during the attack with the help of museum exhibits and movie screenings. Visitors then board boats to the white, open-air memorial that sits atop the Arizona's rusting hull. There are only 4,350 boat tickets available each day. That amounts to less than 1.6 million tickets a year, even though the park service says 1.8 million people visit Pearl Harbor annually. A September 2013 park service report said there was "at minimum" no transparency in the way tickets were distributed.

The report, which was obtained under the Freedom of Information Act by the nonprofit group Public Employees for Environmental Responsibility, outlined how park service employees gave walk-in tickets intended for independent visitors to commercial tour companies who then sold them. Tickets were also given to Pacific Historic Parks, a nonprofit that runs a gift shop and raises money for the memorial. The organization gave some to people spending \$7 to rent an audio tour from the nonprofit, and gave others to companies that would lead clients to the audio tours, the report said. There were rarely enough tickets for independent visitors while this was going on, the report said. DePrey said visitors pay the companies for the transportation they provide to Pearl Harbor from Waikiki hotels and other places not for the tickets. Yet the report said uniformed commercial tour drivers were observed standing about 15 feet in front of the park service information desk— in full view of the park ranger — offering tickets to visitors who were already at Pearl Harbor.

Another anecdote said two visitors reported being sold tickets for \$39 each by a tour company even though they drove their own rental car to the visitor's center. A separate internal report listed a slew of maintenance issues. Photos from the report show peeling paint in the museum and accumulated bird droppings. Some maintenance problems persist. Visitors to the museum today will see silver duct tape securing a black ribbon with the words "Exhibit Temporarily Unavailable" to an empty glass case that once held model of the Arizona. The exhibit's been down for a year. Outside, an orange plastic fence surrounds a muddy spot where a water catchment basin isn't working as intended. The fence has been up since last December, the park service said. The park service is trying to keep the facility in as good condition as it can, DePrey said. "I'm not happy when I see aspects of the facility that are in poor condition. It's not something that I or my maintenance or

the park rangers are proud of," DePrey said. "But we are realistic that these things will happen from time to time." [Source: The Associated Press | Audrey McAvoy | Dec. 0, 2014 ++]

Veterans Hire Veterans ► Employment Resources and Links

America's Heroes at Work – A U.S. Department of Labor (DOL) project that addresses the employment challenges of returning Service Members and Veterans living with Traumatic Brain Injury (TBI) and/or Post-Traumatic Stress Disorder (PTSD).

American Corporate Partners – Offers free career counseling and mentoring to recently returned veterans by professionals from America's finest corporations.

AMVETS – Provides support for veterans and the active military in procuring their earned entitlements, as well as community service and legislative reform that enhances the quality of life for this nation's citizens and veterans alike. AMVETS also provides veterans with access to career centers that provide an array of career training and employment services to veterans including career assessment, training, certification assistance, and assistance in the career search process.

Call of Duty Endowment - The Call of Duty Endowment is a non-profit public benefit corporation which helps soldiers transition to civilian careers after their military service.

CivilianJobs.com -- comprises a suite of services that help America's top companies find military experienced talent. Our online job board, job fairs and military base publication coupled with our unique pre-matching process deliver valuable talent to hiring managers and terrific job opportunities to ex-military job seekers.

Feds Hire Vets – The one-stop resource for Federal veteran employment information. Veterans, transitioning service members, and their families will find this site to be full of resources and information that can assist in finding a Federal career.

Gold Card Services for Post-9/11 Era Veterans -- The Gold Card provides unemployed post-9/11 era veterans with the intensive and follow-up services they need to succeed in today's job market. The Gold Card initiative is a joint effort of the Department of Labor's Employment and Training Administration (ETA) and the Veterans' Employment and Training Service (VETS).

Helmets to Hardhats – A national program that was started in 2002 that connects National Guard, Reserve and transitioning active-duty military members with quality career training and employment opportunities within the construction industry. The program is administered by the Center for Military Recruitment, Assessment, and Veterans Employment and headquartered in Carlsbad, California.

Hire Disability Solutions (HireDS) – If you are a Military service person who has sustained an injury while serving our country, Hire Disability Solutions can assist you in returning to work and continuing to live an independent life.

Hire Heroes USA – Offers transition assistance, job search assistance, and job placement services to those who have honorably served in the US military – and to their spouses. Hire Heroes USA's services are provided at no cost to the veteran.

Hire Patriots – Began in 2005 as a site to help current and transitioning Marines from Camp Pendleton find employment. Today it contains employment opportunities for current, transitioning and former members of all branches of service and from every base in the nation. Users may post their resumes and search for both temporary jobs and careers via the site.

Hiring Our Heroes – In March of 2011, the U.S. Chamber of Commerce launched Hiring Our Heroes, a nationwide initiative to help veterans and military spouses find meaningful employment. Working with a network of 1600 state and local chambers and other strategic partners from the public, private, and nonprofit sectors, the goal was to create a movement across America in hundreds of local communities where veterans and military families return every day.

Jobs2Vets – Military Jobs Transcoder was created to make it easier for Veterans to find jobs and have a better experience in the process.

JOFAV (Job Opportunities for Disabled American Veterans) – Account registration is free for both individuals and employers; Browse and search thousands of jobs for veterans.

Military Hire – A leading job and resume website for veterans. They have thousands of jobs currently available worldwide. These jobs have been posted by hundreds of companies who appreciate the quality and dedication the military veteran brings to the private sector. They allow veterans to post their resume and search for jobs at absolutely no cost.

Military to Civilian - A blog devoted to helping transitioning military and prior-military find careers in the civilian world. Topics include resume tips, how to translate your military experience into terms a civilian hiring authority can

understand, hot career areas for military-experienced job seekers, career coaching, and more.

Military to Medicine – A national, non-profit military service organization of Inova Health System. It provides online healthcare training that leads to entry-level healthcare careers. For individuals who have healthcare work experience, Military to Medicine provides career opportunity assistance.

My Next Move for Veterans – Designed for U.S. veterans who are current jobseekers. The interactive tool helps vets learn about their career options. The site has tasks, skills, salary information, job listings, and more for over 900 different careers. Veterans can find careers through keyword search; by browsing industries that employ different types of workers; or by discovering civilian careers that are similar to their job in the military. Veterans can also take advantage of the O*NET Interest Profiler, a tool that offers personalized career suggestions based on a person's interests and level of work experience.

OPM's comprehensive VetGuide - If you are a veteran, you may be entitled to certain preferences when applying to Federal positions. You may also be eligible to apply to positions under special veterans appointing authorities. For more information, consult the Office of Personnel Management VetGuide.

Recruit Military – A nationwide, full-service, military-to-civilian recruiting firm. The site offers job search, career fair information, transition resources, job resources and resources for military spouses.

Student Veterans for America – Provides peer-to-peer college campus networks for veterans. The group coordinates campus activities, provides pre-professional networking, and generally provides a touchstone for student veterans in higher education to ultimately ensure every veteran is successful after their service.

Swords to Plowshares – A community-based, not-for-profit organization that provides counseling and case management, employment and training, housing and legal assistance to veterans in the San Francisco Bay Area.

USAjobs.gov – Working for America is a site which is your one-stop source for federal jobs and employment information.

VA Vocational Rehabilitation & Employment Service (VetSuccess) – The Vocational Rehabilitation and Employment (VR&E) VetSuccess Program is authorized by Congress under Title 38, Code of Federal Regulations, Chapter 31. It is sometimes referred to as the Chapter 31 program. The VetSuccess program assists Veterans with service-connected disabilities to prepare for, find, and keep suitable jobs.

Veterans Green Jobs – Provides exemplary green jobs education and career development opportunities for military veterans, empowering and supporting them to lead America’s transition to energy independence, ecological restoration, community renewal, and economic prosperity.

Veterans Hire Veterans Initiative - Project created to help link veteran business owners looking for employees with veterans and transitioning activity duty military looking for work.

Veterans in Piping – Provides returning vets with 16 weeks of accelerated welding training with an additional two weeks of transitional training to help returning veterans adjust to civilian life. The training is free to veterans who are placed in construction careers nationwide.

Veterans Job Bank – Part of the National Resource Directory and links veterans with companies that want to hire them. By entering an MOS/MOC code or searching by keyword an individual can connect with information about available job openings in a specific geographic region that may fit their military experience.

Veterans Marketplace – An up-and-coming resource for United States veterans and transitioning active duty military. Focusing on relocation resources, military organizations, employment for veterans, discounts for active duty military, veterans and their families and more.

Veterans ReEmployment –Your one-stop site for employment, training and financial help after your military service.

Veterans.Jobs –Uses the Military Occupational Classification (MOC) Crosswalk to assist military personnel in transitioning from active duty to employment opportunities in the civilian workforce.

VeteransCorp.org – Charged with creating and enhancing entrepreneurial business opportunities for veterans, including service-disabled veterans. The website has information about starting and managing a business as well as sections about acquiring capital, becoming bonded and online education workshops.

VetJobs – A job board for reaching the 14 million military Veterans currently in the work force, as well as the 250 thousand active duty military personnel who transition each year, and their family members. VetJobs is an excellent source for candidates in information technology, program and project management, sales, linguists, logistics, transportation, human resources, manufacturing, engineering, finance, healthcare, accounting and senior executives.

Wall Street Warfighters – An organization focused on benefiting service disabled veterans. Its mission is to identify, develop, and place disabled veterans in long-term professions in the financial services industry following their military service.

Warfighterhome.us – Created by the American Legion in partnership with Avue Technologies, this site is designed to help veterans find employment with the federal government. Through this site, users can search for federal jobs by geographic location, have exclusive access to Avue’s Career Choice Advisor, get useful information on special hiring authorities for veterans, learn how veterans’ preference is used in the federal hiring process and get tips on marketing military experience.

We Hire Heroes – Provide Local Job Boards for Veterans, By Veterans – Providing employment opportunities for veterans, retired military, active duty, and their families.

Wounded Warrior Project’s “Warriors to Work” – Program helps individuals recovering from severe injuries received in the line of duty connect with the support and resources they need to build a career in the civilian workforce.

[Source: www.nesloventures.net/veteranlinks/employment/veteranshireveterans Neslo Ventures US website Mar 17, 2014 ++]

VA Advance Funding Update ► H.R. 83 FY 2015 Omnibus Bill

Legislation introduced 9 DEC in the House of Representatives would guarantee advance appropriations for Department of Veterans Affairs mandatory funding that was threatened when the federal government nearly shut down in October 2013. The FY 2015 omnibus bill for military construction and VA appropriations (H.R. 83) would provide advance appropriations in fiscal 2016 to the Veterans Benefits Administration for the mandatory funding of veterans’ benefits and pensions. It would also provide about \$59 billion for VA’s FY 2016 medical programs.

The American Legion has repeatedly called upon Congress to provide advance funding for all VA programs, and to protect them from government shutdown. “We brought this danger to the attention of Capitol Hill last year when America’s veterans were about two weeks away from losing their monthly benefits payments,” said Verna Jones, executive director of the Legion’s Washington office. “No one who has served in the military should ever worry about their

benefits check not showing up in the mail because of a breakdown on Capitol Hill. We understand that bipartisanship is often elusive here in Washington, but that is no justification for making one single veteran suffer financially.” Last year, Jones said The American Legion contacted the VA Comptroller’s Office and found out that mandatory VA funding was not protected from government shutdown. “That’s when we realized the seriousness of the problem, and we are encouraged to see Congress moving forward to correct it,” she said.

For the current fiscal year, VA would get a total budget of \$159.1 billion in mandatory and discretionary funding for fiscal 2015, which includes about \$45 billion for medical services. Other fiscal 2015 funding provisions include:

- \$2.5 billion for disability claims processing to help VA eliminate the claims backlog by the end of 2015 (it currently stands at about 244,000). \$99 million for the Board of Veterans Appeals to handle appeals of claims decisions. \$562 million for major construction (an increase of \$220 million over FY 2014). \$344 million for VA and the Department of Defense to develop compatible electronic health records.
- \$209 million for new costs related to the Veterans Access, Choice and Accountability Act of 2014.
- An additional \$5 million in funding for the Office of Inspector General to continue its audits of VA hospital appointment scheduling and lapses in patient care.
- \$6.6 billion for FY 2015 military construction projects, a decrease of \$3.3 billion from FY 2014 funding levels. [Source: American Legion Online Update | Marty Callaghan | Dec. 10, 2014 ++]

NDAA for 2015 Update

Military folks will see compensation packages pinched in 2015 under a deal struck this week by House and Senate negotiators finalizing pay and benefit changes in the fiscal 2015 defense authorization bill. But the compensation pinch in 2015 could become a more hurtful punch starting in 2016, the armed services committees warn, if the new Congress fails to rollback defense spending cuts of \$50 billion a year still mandated by the Budget Control Act with its ‘sequestration’ cutting tool. In a “joint explanatory statement” on the compromises reached, the House-Senate conferees warn that heftier

compensation savings sought by the Joint Chiefs will be revisited after the Military Compensation and Retirement Modernization Commission delivers its recommendations in February, particularly if planned defense budget cuts are not eased. “If sequestration-level budgets remain in effect for fiscal 2016 and beyond, DOD will need to make painful cuts and achieve substantial savings across its entire budget [to] avoid an unacceptable reduction in readiness,” the statement says. “The Chiefs have urged us to take all action necessary, including compensation adjustments, to avoid such readiness impacts.”

Troops will see a 1 percent pay raise, slowed growth in their housing allowance and a \$3 increase in most prescription co-pays as part of a military budget deal finalized 13 DEC. The measure includes authorization for \$521 billion in base military spending and nearly \$64 billion more in overseas contingency funds, including about \$5 billion for the current fight in Iraq and Syria. House and Senate lawmakers fast tracked the legislation in an effort to finalize the measure before the end of the 113th Congress. The deal marks another triumph for House and Senate negotiators, who have shepherded some version of the annual defense authorization bill through Congress for more than 50 consecutive years. But the details are likely to irritate outside advocates who pushed against any pay and benefits cuts, arguing that the defense budget should not be balanced on troops' wallets.

All of the pay and benefits trims were backed by the Pentagon and White House in an effort to slow the growth of personnel costs. The housing cuts and pharmacy co-pays were the final sticking points for lawmakers, with a compromise reached after nearly a month of behind-the-scenes fights. The conferees clarified that their deal on BAH and drug co-pays for 2015 “preserves the option for Congress to achieve most of the savings” sought by the chiefs in pharmacy co-pays through 2024 and also “full savings” they sought in housing allowances, if needed to protect readiness.

Benefits Cuts

- **Pay Raise.** The lower pay raise of 1% will be the most obvious hit for troops, who would be in line for a 1.8 percent raise based on anticipated private-sector wage growth. For an E-3 with three years of service, the lower raise is a loss of about \$195 a year. For an E-7 with 10 years, it comes out to \$356. For an O-5 with 12 years of service, it's \$667 in annual salary.

Pentagon planners noted that move alone will save them about \$3.8 billion over the next five years. Opponents argued that it creates a new wage gap between troops and their civilian counterparts, giving them less disposable income.

- **Housing Allowance.** Lawmakers approved trimming back the housing allowances paid to troops who live off base. The Pentagon initially sought to reduce the tax-free housing benefit by 5 percent by reducing the 100 percent of troops' estimated housing costs that are covered now down to an average of 95 percent — in effect making troops pay 5 percent of their housing with out-of-pocket cash. The new deal allowing only a 1 percent reduction for one year pushes off future decisions for now. The result will be housing allowance rates next year that cover 99 percent of estimated housing costs, with troops themselves covering the 1 percent shortfall out of pocket. Service members are unlikely to see an outright reduction in their housing allowance unless they change duty stations, but rates for troops moving into new areas will be set slightly lower when compared to the projected housing costs.
- **Pharmacy Copay.** The pharmacy co-pay increases also reflect just a one-year advance on defense leaders' multiyear plan for more significant co-pay hikes. Under the deal, all prescriptions except mail-order generic drugs would see a \$3 increase starting in January. The Congressional Budget Office told conferees the chiefs' more aggressive plan on drug co-pays, which the Senate committee had approved, would have cut personnel costs by \$13.2 billion over a decade. Those 10-year savings are only \$2.3 billion under the compromise, leaving almost \$11 billion in added savings that their committees will eye again next year. White House officials had also asked for a cut in commissary funding and a massive restructuring of the Tricare system in an effort to free up even more money for training and modernization accounts. But House and Senate officials said they opposed making any longer-term decisions on pay and benefits until after the Military Retirement and Compensation Modernization Commission offers its comprehensive review in February. "It's important that lawmakers get to see that report," a senior Senate staffer said. "But the military is also desperate for budget relief now. So we had to include some things for next year."

Other Items

- The authorization bill deal includes language prohibiting the Defense Department from retiring the A-10, rejecting arguments by budget officials that the aging aircraft was too costly to maintain.
- The compromise does include trims in flight hours and maintenance for the aircraft next year, but only after a readiness study is completed.
- Likewise, lawmakers blocked Army plans to retire any Army National Guard Apache helicopters next year, instead offering some budget relief to keep them operational.
- Negotiators inserted authorizations for President Obama's plan to arm and equip Syrian rebels in the fight against Islamic State militants, but rejected new language favored by the White House which would move toward closing operations at the Guantanamo Bay detention facility.
- The bill includes a host of new protections for military sexual assault victims, but no plans for divorcing those cases entirely from the military justice system as some advocates have wanted.
- It enhances the transition assistance program by providing information to service members and veterans during transition assistance programs regarding use of post-9/11 educational assistance and federal financial aid in sections 551-558.
- Impact Aid, a program run through the Department of Education and supplemented by the Department of Defense to make up for lost tax revenue for local schools systems that serve large numbers of military school children, was extended for one year at \$25M to local educational agencies impacted by the enrollment of dependent children of military members and DOD civilian employees & \$5M for schools with large numbers of children of military members and DOD civilian employees with severe disabilities in sections 562-563.
- It bars any pay raise for General Officers and Flag Officers in Section 601.
- The COLA minus1% provision for working-age military retirees contained in the Bipartisan Budget Act of 2013 was pushed back so that service members who join before 1 Jan 2016 are grandfathered in to the existing retirement system in section 623.
- The per fiscal year calculation for reserve retirement was changed so that 90days of active duty time in any two continuous fiscal years will qualify as a good year for early reserve retirement, but only if that time occurs

between FY 2015 to FY 2016 and beyond in section 625 – the problem for previous years, still has to be fixed.

- It authorizes the Secretary of Defense to purchase any commercial item, including brand-name and generic items, for resale in, at, or by commissary stores without using full and open competition procurement procedures; also requires the Secretary of Defense to conduct a review of management, food, and pricing options for the defense commissary system in sections 631 & 634, respectively.
- DOD is prevented from using any appropriated funds to close any commissaries.
- It requires a report on status of reductions to TRICARE prime service areas in section 723.
- A national commission to study the future of the Army will take place (spelled out in Title XVII).
- A new Base Realignment and Closing commission, or BRAC, was prohibited in section 2711.
- A new burn pit report to consider the prohibition of disposal of waste in burn pits is required under section 313.
- Directs that tobacco sold in exchanges not be sold at a “price below the most competitive price for that product in the local community.”
- It rejected Pentagon proposals to consolidate Tricare into a single plan — an idea that would have altered the medical program for nearly all Tricare beneficiaries except active-duty troops.
- Directs that all active-duty and Selected Reserve troops receive one-on-one mental health screenings annually.
- Requires the Defense Department to provide a report to Congress on in-person mental health assessments.
- Transfers \$14.8 million to the USSOCOM Behavioral Health and Warrior Care Management Program for additional behavioral health programs and \$4.0 million to the Defense Suicide Prevention Office in support of members of special operations forces.
- Lifts limits on the number of days Tricare covers inpatient psychiatric care, currently 30 total days per fiscal years for patients 19 and older and 45 days for patients 18 and younger.

- Requires that Tricare patients who take name-brand medications for chronic conditions fill them at a military pharmacy or with the Tricare home delivery program starting 1 OCT.
- Requires Tricare to cover the cost of breast-feeding equipment, support and counseling for moms who want to nurse their infants.
- Mandates DoD provide reports to Congress on the reduction of Tricare Prime service areas, the use of burn pits in deployed settings, fertility treatments for injured service members, and Service resiliency programs and transition care for troops diagnosed with post-traumatic stress disorder.
- Authorizes \$63.7 billion in war-related funding including \$5.1 billion for the President to counter the Islamic State in Iraq and Syria.
- Authorizes the full request of \$4.1 billion for the Afghanistan Security Forces Fund (ASFF) to build and sustain the Afghan forces in securing Afghanistan as U.S. and coalition forces shift to the post-2014 train, advice, and assist mission.
- Authorizes \$1.6 billion for the Iraq Train and Equip Fund to provide military assistance to security forces in Iraq, including Kurdish and tribal security forces with a national mission, to defend against the threat posed by the so called Islamic State of Iraq.

Sen. Carl Levin (D-MI), the armed services committee chairman retiring next month, issued a statement with its ranking Republican James M. Inhofe (OK) that, if sequestration survives, deeper compensation curbs will be needed “to avoid drastic reductions in military readiness.” Rep. Harold “Buck” McKeon (R-CA), House committee chairman who also is retiring, won praise from military associations for blunting the compensation curbs senators had endorsed. But the committee’s top member, Rep. Adam Smith (WA), suggested a false victory. It was Congress that forced sequestration on the military, he said, yet it refuses “to help the department deal with the consequences of that idiotic policy.”

The House voted on the measure and passed to the Senate. At least 60 senators had to agree to bring the measure to the floor without any amendments to get passage in that chamber. Obama was opposed to lawmakers reversing many of the proposed cost-cutting moves. After a hectic process and objections from conservative members that kept senators working all day, the Senate voted

Saturday night (DEC 1) to approve a \$1.1 trillion spending bill that would fund the government through September and tee up a February confrontation with President Obama over immigration. The chamber voted 56-40 to approve the "CROmnibus," which included the NDAA bill that was passed by the House Thursday night (11 DEC). The White House indicated Obama would sign the measure. The bill exposed divisions in both parties, pitting Democratic leaders against each other in the House and a small band of conservatives against GOP leaders in the Senate.

[Source: MilitaryTimes, Military.com, & GovExec.com | Leo Shane & Tom Philpott articles | Dec. 02, 04, & 14, 2014 ++]

Summary of Veteran Related Legislation Introduced in the House and Senate since the Last Bulletin was Published

- H.R. 5784: GI Bill STEM Extension Act of 2014. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide additional educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs to certain eligible individuals. Sponsor: Rep. McKinley, David B. [R-WV-1] (Introduced 12/03/2014)
- H.R. 5798: Stability for Service Members Act. A bill to provide for a one-year extension of the extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction under the Servicemembers Civil Relief Act. Sponsor: Rep. Fincher, Stephen Lee [R-TN-8] (Introduced 12/04/2014)
- H.R. 5817: John David Fry Scholarship Spouse Assistance Period of Eligibility. A bill to amend section 701 of the Veterans Access, Choice, and Accountability Act of 2014 to clarify the period of eligibility during which certain spouses are entitled to assistance under the Marine Gunnery Sergeant John David Fry Scholarship Sponsor: Rep. Duckworth, Tammy [D-IL-8] (Introduced 12/09/2014)
- S.3001: Federal Employee Military Disabled Vet Leave for VA Care. A bill to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such

disability, and for other purposes. Sponsor: Sen. Tester, Jon [D-MT] (Introduced 12/11/2014)

- S.3006: Non-VA Facility Health Care in Excess of 40 Miles. A bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran.

Sponsor: Sen. Moran, Jerry [R-KS] (Introduced 12/11/2014)

[Source: <https://beta.congress.gov> & <http://www.govtrack.us/congress/bills> Dec 13, 2014 ++]